

MINUTES

UTAH BOARD OF NURSING

November 16, 2007

**Room 475 – 4th Floor – 10:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 10:00 a.m.

ADJOURNED: 3:05 p.m.

Bureau Manager:
Secretary:

Laura Poe
Shirlene Kimball

Division Director:

David Stanley

Conducting:

Pam Rice

Board Members Present:

Peggy Brown
Diane Forster-Burke
Pam Rice
Marie Partridge
Joel Allred
Laurie Simonsen
Barbara Jeffries
John Killpack
Debra Schilleman
Mary Williams
Susan Kirby

Division Staff:

Connie Call, Discipline Specialist

Guests:

Lynette Brunson

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

October 26, 2007 Minutes:

Connie Call, Discipline Report:

DECISIONS AND RECOMMENDATIONS

The minutes were approved as written. All Board members in favor.

Ms. Call reviewed the report with Board members. A copy of the report is attached to the minutes.

Debra Youngblood signed a MOU in 2003 and has not passed the NCLEX examination. A motion to dismiss the MOU will be submitted.

Karen Chlarson is out of compliance with the terms and conditions of her Order. Ms. Forster-Burke made a Motion to refer her for an Order to Show Cause Hearing. Ms. Kirby seconded the Motion. All Board members in favor.

NEW BUSINESS:

Divided into groups at 10:15 a.m.:

Group 1

Conducting: Marie Partridge
Secretary: Shirlene Kimball

Sherry Mack:,
Interview:

Members present: Ms. Forster-Burke, Ms. Partridge, Dr. Williams, Mr. Allred and Mr. Killpack.

Ms. Forster-Burke conducted the interview. Ms. Mack had a positive urine screen for hydromorphone. She stated she has a prescription for Lortab and hydrocodone and does not take any medications not lawfully prescribed for her. She stated she is not taking Dilaudid. Ms. Mack stated she has not relapsed. She indicated she has struggled but feels she has done very well in her recovery. She indicated she used two different pharmacies because her declared pharmacy did not have the medication she needed. She stated Ms. Call gave her permission to fill the prescription at the second pharmacy. Ms. Mack requested attendance at 12-step and PIR meetings be terminated; requested her access to controlled substances be returned; and requested her Order be amended to allow her to drink alcohol on occasion. She indicated the AA meetings are not giving her the support she needs. She also stated she does not drink often, but would like to have an occasional drink. Ms. Forster-Burke stated attendance at 12-step meetings is necessary for her recovery. Ms. Forster-Burke indicated her Order could be amended to allow her to attend 4 PIR meetings per month in lieu of attendance at AA meetings. Ms. Forster-Burke stated the Committee would not recommend she be allowed to drink alcohol and it is too early in her probation to return access. However, her requests will be presented to the total Board.

Peter Uluave,
Annual Interview:

Mr. Uluave called indicating he would be unable to meet with the Board. He will be rescheduled next month.

Tyson Dawson,
New Order:

Dr. Williams conducted the interview. Mr. Dawson explained the circumstances that brought him before the Board. Mr. Dawson stated he understands the terms and conditions of his Order. Mr. Dawson stated the Order does not require a report from the graduate education program, only from his employer. Committee members requested he obtain a letter from the educational program indicating they are aware of his probation. His Order also requires monthly self evaluation reports for the duration of his probation. He questioned if these could be reduced to quarterly reports once the 6 months of compliance are completed. Committee members indicated his order could be amended.

Stephanie Bell,
Annual Interview:

Ms. Bell explained the circumstances that placed her North Carolina license on probation. Ms. Call reported the North Carolina Board of Nursing contacted the Division and indicated Ms. Bell failed to call in for urine screens as directed by her Order. Ms. Bell stated she has contacted the NC Board to resolve this issue. Committee members reviewed the employer report which indicates Ms. Bell has interpersonal issues with co-workers. Ms. Bell stated she discussed this concern with her supervisor and understands she needs to be more personable with her co-workers.

Lori Laird,
New Order:

Ms. Laird did not appear for her scheduled interview.

Dustin Jasmer,
Request to meet with the Board

Mr. Jasmer requested his access to controlled substances be returned. He stated he has been clean for 3 ½ years, however, he has only been on probation for 7 months. He stated he is attending all his meetings and is a sponsor to four individuals. He stated he is not taking any medications not lawfully prescribed for him. He stated he has thoughts of relapse, but indicated that is a normal response for recovering addicts and stated he has not relapsed. Mr. Allred reviewed the file and indicated Mr. Jasmer is current on all reports and appears to be in compliance with the terms and conditions of his Order. Mr. Allred stated he would recommend to the Total Board that access be returned.

Group 2
Conducting: Barbara Jeffries
Secretary: Connie Call

Ann Rooney,
Annual Interview:

Members present: Ms. Jeffries, Ms. Schilleman, Ms. Simonson and Ms. Brown.

Ms. Rooney was interviewed by Ms. Kirby. She stated her clean date is December 2005. She is currently employed at Pioneer Valley Hospital and is requesting she be allowed to work additional hours for the holiday season. She stated she has no thoughts of relapse and has not relapsed. Committee members will recommend to the Total Board to allow her to increase her hours but no more than 60 hours per week.

Nora Mitchell,
Interview:

Ms. Mitchell was interviewed by Ms. Rice. She stated she missed the meeting with the Board last month because she did not receive the appointment letter. Ms. Mitchell also requested she be allowed to work up to 60 hours per week. She is also on court probation and has not completed her community service. Committee members will recommend denial of this request until she has completed her community service hours.

Betty Long,
Interview:

Ms. Long was interviewed by Ms. Schilleman. Ms. Long was requested to meet with the Committee to see how her treatment was progressing. She indicated she discharged herself from Odyssey House. She indicated she entered Serenity House, but relapsed last weekend and is no longer there. Ms. Poe indicated she needs to complete an intensive treatment program to come into compliance with her Order. She must also attend the PIR and 12-step meetings.

Lori Niven,
Interview:

Ms. Niven was interviewed by Ms. Jeffries. Ms. Niven indicated things are very stressful at this time. She indicated she is having medical problems and other personal problems. She stated she has had thoughts of drinking to help her sleep.

Reconvened to Total Board at 11:50 a.m.

Report from Probation Peer Committee:

Sherry Mack requested access to controlled substances, termination of attendance at AA and PIR meetings and to have her Order amended to allow her to drink alcohol. Committee members indicated she

had a positive urine screen for hydromorphone. Ms. Poe indicated there are instances where Lortab metabolizes as hydromorphone. Committee members recommend approval for attending PIR meetings in lieu of AA meetings; however, she must attend four meetings per month. Committee members recommended denial of the requests for access to controlled substances and to amend her Order to allow her to drink alcohol. All Board members in favor.

Stephanie Bell appears to be in compliance with her Order, however, she is still dealing with the North Carolina Board. Board members requested Ms. Call follow up with the North Carolina Board to see if she is in compliance with their Order. Her probation will not be terminated until she is in compliance with the North Carolina Board Order.

Dustin Jasmer requested his access to controlled substances be returned. Ms. Forster-Burke made a Motion to return his access to controlled substances. Mr. Allred seconded the Motion. All Board members in favor. Ms. Rice abstained. All other Board members in favor.

Ann Rooney is in compliance with her Order and has requested she be allowed to work at least 60 hours per week. Committee members recommend approving this request. All Board members in favor.

Nora Mitchell is in compliance with the terms and conditions of her Order. She requested she be allowed to work up to 60 hours per week. Committee members indicated it is not in her best interest to work more hours and Committee members recommend denial of the request. All Board members in favor.

Report from Education Committee:

Ms. Forster-Burke reported representatives from Utah Career College, Stevens Henager College and Ameritech College met with Committee members to explain their remediation plan to address the low pass rates on the NCLEX examinations. Ms. Forster-Burke indicated Committee members gave Utah Career College approval to move ahead with a new curriculum. Committee members explained that if the pass rates are 5% below the national average this time

next year, they will not be allowed to accept any more students. Ameritech College reported a complete change in staff and explained the steps they are taking to improve the pass rates. Committee members will work on the Rules regarding education programs in December. Committee members passed a motion to request the Board of Nursing recommend to the Division a moratorium on approving new programs until more prescriptive rules have been adopted and the provisionally approved programs have implemented their remediation plans and NCLEX examination pass rates have increased. Ms. Poe indicated there are two programs that have submitted the intent to begin a program and these programs would be allowed to continue to move forward. Ms. Forster-Burke reported it will take about six months to implement the rules. All Board members in favor of the Committee Motion.

Britney Harvey,
Re-licensure request:

Ms. Harvey explained the circumstances regarding the surrender of her nursing license. Ms. Harvey stated she completed Highland Ridge treatment program and attended aftercare meetings for 2 years. She stated she has not attended aftercare or support groups for the last seven months. She stated she completed her criminal probation, doesn't drink alcohol and does not take any medications not lawfully prescribed for her. Ms. Harvey stated she does not have thoughts of relapse and has been clean since June 5, 2007. Mr. Allred expressed concern that she has not attended any meetings for the last 7 months. Ms. Schilleman made a Motion to table the application for 6 months while Ms. Harvey documents at least 6 months of sobriety. This documentation would include clean urine screens and attendance at 12-step meetings. Ms. Forster-Burke seconded the Motion. All Board members in favor.

Adjourned to lunch at 12:35 p.m.
Reconvened at 1:20 p.m.

Environmental Scan:

Ms. Poe indicated she received a request from the American Association of Critical Care Nurses West to adopt the Acute Care Nurse Practitioner Certification Exam for APRN licensure. Ms. Poe indicated this certification exam would be added as an acceptable examination.

Ms. Poe reported the APRN Joint Dialogue Committee is continuing to meet and draft a paper regarding the education, certification and regulation of APRNs.

Ms. Poe reported there is an AMA resolution to limit who can provide interventional pain relief. She also indicated the CRNAs are still working on opting out of the Medicare supervision requirement. Because we have not opted out, even if our rules don't require supervision, facilities won't be reimbursed if the CRNA is not supervised by a physician. JCAHO has decided to adopt the same standard. Ms. Poe indicated the CRNAs are trying to meet with the Lieutenant Governor to discuss this issue.

Michelle Mcardle,
Request for early termination of Probation:

Ms. Mcardle's probation is scheduled to terminate February 2009. She signed a Stipulation February 25, 2003 and was placed on a 5 year probation. She signed a second Stipulation August 2003. She then admitted to drinking alcohol September 2003 and an OSC hearing was held. She delayed getting into an Antabuse program and her license was suspended until February 2004. She has been doing well for the last 2 years; however, Board members would like to continue to monitor her on probation. Mr. Killpack made a Motion to deny her request and continue to monitor her on probation. Ms. Kirby seconded the Motion. All Board members in favor.

Barbara Jeffries,
Request to lift her restriction to narcotic access:

Ms. Jeffries requested her restriction to narcotic access be lifted. She reported would like to earn her master's degree, however, to be accepted to the program, she needs an unrestricted license. Ms. Jeffries stated while she was on probation she requested the permanent restriction to narcotic access. Ms. Poe indicated that if Ms. Jeffries had not requested the restriction, she would have completed the probation and the license would have been returned with full privileges. Ms. Jeffries left the room so the Board could discuss her request. Ms. Poe indicated the Board has the following options: deny the request; lift the restriction and issue an unrestricted license; or place her license on probation and monitor her with access. Board members stated that Ms. Jeffries has been clean for 8 years and if she had not requested the restriction, her

license would have been returned without restrictions. Mr. Allred made a Motion to remove the restriction and issue a license with full privileges. Ms. Forster-Burke seconded the Motion. Ms. Jeffries did not vote. All other Board members in favor.

Discussion regarding Proposed Rules:

Board members reviewed the proposed rules regarding delegation of nursing tasks in a school setting. Ms. Poe indicated the Utah Chapter of the American Diabetes Association and the Utah School Nurse Association reviewed the Colorado language and drafted language which was forwarded to Ms. Poe. Ms. Poe indicated she put that language into the administrative rules format. Ms. Forster-Burke made a Motion to approve the proposed rules with the recommended changes. Ms. Brown seconded the Motion. All Board members in favor.

Update regarding Medication Aides-Certified:

Ms. Poe reported the Medication Aide-Certified Pilot Program was to begin January 1, 2007. Ms. Poe indicated there was concern with implementing a pilot program with current resources. Ms. Poe stated more than half of the states license/register medication aides at this time and the National Council of State Boards of Nursing has developed a model curriculum that could be adopted by the Board. Since the pilot program has not been implemented, Ms. Poe would like to schedule a meeting with Representative Lockhart to discuss the termination of the pilot program and go directly to implementation of the Medication Aide-Certified. Ms. Poe stated the Board could be ready to implement the regulation of Medication Aides by July 1, 2008. Ms. Schilleman made a Motion to support Ms. Poe in engaging in dialogue with the bill sponsor to terminate the Medication Aide-Certified Pilot program and implement Medication Aide-Certified regulation. Ms. Kirby seconded the Motion. All Board members in favor.

Preview possible 2008 Legislation:

Ms. Poe reported a bill has been pre-filled requiring that the school nurse be notified of any student taking medications in a school.

Ms. Poe reported the Division would be pursuing citation authority.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

December 14, 2007
Date Approved

(ss) Pam Rice
Pam Rice, Chair, Board of Nursing

December 14, 2007
Date Approved

(ss) Laura Poe
Laura Poe, Bureau Manager, Division of Occupational &
Professional Licensing